

REMARKS

In the Office Action, the Examiner notes that claims 1-48 are pending in the application, with claims 1-48 currently standing rejected. In view of the amendments to the claims and further in view of the following remarks, reconsideration of the application is respectfully requested.

On page 2 of the Office Action, the Examiner has rejected claims 1, 15, 38-40, 44, 45 and 48 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claims the subject matter which applicant regards as the invention. Claims 1, 10, 15, 38-40, 44, 45 and 48 have been amended to more particularly point out and distinctly claim the subject matter regarded as the invention based on the points raised by the Examiner and additional noted errors. More particularly, claim 1 has been amended such that the scope of the preamble is consistent with the scope of the body of the claim; the dependency of claim 10 has been changed; claim 15 has been amended to more clearly identify what is being claimed; claims 38-40 have been amended to include terminology that is consistent with the claims from which they depend; claim 44 has been amended to clearly identify that the grain product is prepared from light bran; and claims 45 and 48 have been amended for consistency purposes. As each of the points raised by the Examiner have been addressed, withdrawal of these rejections is requested. In general, the claims have been amended to be in good form for allowance in accordance with U.S. patent practice.

On page 2 of the Office Action, the Examiner has rejected claims 1-6, 33-35, and 36 under 35 U.S.C. 102(b) as being anticipated by Stanley (U.S. Patent No. 4,844,924). Stanley discloses a method of decreasing the color of dietary fiber material, preferably corn bran, by reacting the material with an esterifying agent to form an esterified dietary fiber material and then bleaching the esterified dietary fiber material. As the Examiner has pointed out, Stanley discloses that an oxidative bleaching agent may be ozone.

However, the preferred bleaching techniques include oxidative bleaching with peracetic acid or hydrogen peroxide at a pH between about 5 and 10, followed by reductive bleaching with dithionite. Regardless, claim 1 in the present application requires reacting bran with ozone to reduce the amounts of ferulic acid in the bran. Therefore, the purpose of using ozone in the present application is to reduce the ferulic acid, rather than to bleach the bran. As disclosed in lines 1-13, page 9 of the specification, the level of ferulic acid in the bran is related to the bitter taste of the bran. By reducing the level of ferulic acid, the taste of the bran is improved. To this end, Stanley has absolutely no disclosure concerning the claimed method of reducing ferulic acid in bran through ozone treatment and the Office Action does not address this aspect of the invention. Regardless of this clear distinction, claim 1 has been amended to require a reduced ferulic acid finished concentration of less than 50 ppm. Again, Stanley is simply not concerned with using ozone to reduce the level of ferulic acid in bran and certainly does not disclose reducing ferulic acid levels to below 50 ppm through the use of ozone. Therefore, Stanley is not at all concerned with the invention sought to be patented. Since the Examiner is rejecting the broader claims in this application as being fully anticipated by Stanley, it is respectfully submitted that the rejection is misplaced given that Stanley has no disclosure on utilizing ozone to reduce levels of ferulic acid in bran.

It is respectfully submitted that many of the other dependent claims in this application further distinguish the present invention from the applied prior art. In fact, it is respectfully submitted that many of the dependent claims have not been particularly addressed in the Office Action. For instance, claim 3 requires that the finished ferulic concentration of the treated bran be less than 50% of the native concentration. This feature is not addressed in the Office Action or in the Stanley patent. Claim 4 states that the bran has a native concentration of vanillin which is elevated in the finished product. Again, this is not addressed in the Office Action or the Stanley reference. Claims 10-13 require specifics concerning removing transition metals with a chelating agent in a

particular manner not seen to be disclosed or suggested in the prior art. That is, the Examiner relies upon the Metzger reference for the application of a chelating agent, but there is no discussion concerning the time, temperature or concentration limitations of these claims. It is respectfully submitted that these are specific limitations in the claims cannot simply be glossed over in the rejection as being obvious without any teaching in the art. Claim 14 specifies a particular temperature, time and residual enzyme activity following a blanching step not seen to be set forth in the Office Action. Clearly, the Examiner must look to the differences between the prior art and the present invention in making a proper obviousness-type rejection. It is respectfully submitted that if the specific temperature ranges, times and residual enzyme activity levels are so obvious, the Examiner should find appropriate prior art to teach the same. With respect to dependent claim 10, this claim sets forth four specific method steps that results in a final, dry treated bran having a particular moisture content range. There is simply no suggestion in the art that specifically addresses these particular limitations. In accordance with the invention, it has been found that the treatment is particularly advantageous when about 100 parts acidified bran is contacted with about 0.1 - 1 parts ozone. This limitation is particularly set forth in claim 19 and the Applicant could find no disclosure to this affect in the applied prior art. Corresponding distinguishing limitations are seen to be set forth in many of the other dependent claims wherein the Applicant has set forth specific limitations to preferred embodiment features of the present invention which are not disclosed or suggested in the prior art, but which are simply being held as obvious without any particular teaching in the art.

As indicated above, it is respectfully submitted that none of the prior art discloses reacting bran with ozone to reduce ferulic acid in a manner analogous to that of the present invention. That is, although the prior art is seen to teach bleaching bran, the prior art does not disclose or suggest the features of the present invention such that it is respectfully submitted that the present application, particularly as amended, is allowable

over the prior art. Therefore, allowance of the claims and passage of the application to issue are respectfully requested. If the Examiner should have any additional concerns regarding the allowance of this application, the Examiner is cordially invited to contact the undersigned at the number provided below if it would further expedite the prosecution of the application.

Respectfully submitted,



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